

DRAWING AMENDMENTS

A reference number 11, for the top panel, is added in Fig. 2. New reference lines, for leading the reference characters 2, 10, 20, 30, 40, 41, 42, 50, 111, 10', 50', 111' to the elements shown in the drawing, have been amended to Figs. 1, 2 and 4 of the drawings in red ink along with the new element. A drawing amendment approval request form is enclosed herewith, as pursuant to MPEP 608.02(v).

REMARKS-General

The newly drafted independent claim 46 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 46-57 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 27-45 under 35USC112

The applicant submits that the newly drafted claims 46-57 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

Response to Rejection of Claims 27-45 under 35USC103

The Examiner rejected claims 27-45 over Stanford (US 6,112,674) in view of Virtue (US 2,278,810), Palmer (US 4,825,781), Pinch (US 6,058,853), and Witkowiak (US 2,695,828. Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Stanford which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Virtue, Palmer, Pinch, and/or Witkowiak at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

The foldable table is such a simple article of manufacture that merely includes (i) a table top, (ii) a leg frame pivotally connected to the table top, and (iii) a folding arm guiding the leg frame between the folded position and the unfolded position. However, different materials of the table top result in different structures of the leg frame. If the table top is made of wood or non-plastic material), such as Virtue, Palmer, and Witkowiak, the leg frame and the folding arm can be directly mounted to the wooden table top. Since the wooden table top is very heavy, an improved table top is made of plastic, such as Stanford and Pinch, by air blow-molding technique. On the other hand, the leg frame and the folding arm cannot be directly mounted to the plastic table top. Therefore, the foldable table generally comprises two side runners extended along the plastic table top to connect with the leg frame and the folding arm. In other words, **the structure of the leg frame and the folding arm for the wooden table top cannot be simply used for the plastic table top.**

The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a whole of the instant invention and the primary prior art, Stanford, are obvious in view of the supplemental cited arts, Virtue, Palmer, Pinch, and Witkowiak, we have to identify all the differences between the claims of the instant inventions and Stanford. The applicant respectfully identifies the differences between the claims of the instant invention and Stanford as follows:

(a) In claim 46, "a top panel having **two receiving tracks** longitudinally formed under said top panel alone two side edge portions respectively" is claimed, wherein Stanford never mention any receiving track formed at the table top.

(b) In claim 46, "two tabletop supports securely mounted within the receiving tracks" is claimed to longitudinally support the top panel along two side edge

portions thereof, wherein Stanford merely teaches two side rails 42, 44 securing into the opposing longitudinal side walls 48 of the table top by screws.

Accordingly, Stanford merely teaches, in column 9, lines 26-27, the table top 12 is formed of a blow-molded plastic such that when the side rails 42, 44 are secured to the side walls 48 respectively, the screws must be **forcedly penetrated** through the side walls 48 to retain the side rails 42, 44 in position. In other words, the side wall must be thick enough to hold the screws because no hole can be formed at the side wall 42, 44 of the table top 12 by blow-molding technique. The instant invention solves the above problem by using plastic injection technique to form the two receiving tracks at two side edge portions of the top panel such that the tabletop supports can be securely mounted within the receiving tracks respective to support the top panel without physically damaging the top panel by screws.

(c) In claim 46, **“two L-shaped supporting arms”** is claimed to support the leg frame, wherein Stanford merely teaches two elongated pivotal support braces 24, 30 pivotally connecting the support pedestals 18, 20 respectively without any mention of any L-shaped supporting arm.

(d) In claim 46, “each of the supporting arms has a lower retention portion pivotally connecting to the folding frame and an **upper supporting portion transversely and pivotally mounting at the respective tabletop support**” is claimed, wherein Stanford merely teaches a cross brace member 36 transversely extended at a middle of the table top 12. As it is mentioned in the background, the mid-portion of the plastic tabletop is very weak especially when the tabletop is formed of a blow-molded plastic. The instant invention provides not only four L-shaped supporting arms to foldably retain the leg frame in position but also four supporting portions of the supporting arms to support the mid-portion of the top panel. In other words, the length of the tabletop taught by Stanford is limited by the cross brace member 36 because the distance between the cross brace member 26 and the cross pole 86 cannot be too far away from each other to support the table top 12. The instant invention provides four supporting arms to support top panel such that the length of the top panel can be maximized by positioning the supporting portions of the supporting arms at the mid-portion of the top panel. Therefore, the unexpected result of using four L-shaped supporting arms is to rigidly

enhance the strength of the plastic top panel and to maximize the length of the top panel.

(e) In claim 46, “the supporting arms are mounted to the tabletop supports in a detachably attaching manner” is claimed to allow the table supporting frames to be assembled to the tabletop. In other words, the structure of the supporting arm allows the manufacturer or the user to self-assemble the foldable pivot leg assembly to the plastic tabletop as mentioned above. Stanford also fails to teach the concept of the self-assembling objective.

(f) In claim 46, “the **folding frame** pivotally connected with the retention portion of the supporting arm” is claimed to pivotally fold the supporting portion of the supporting arm between the unfolded position and the folded position, wherein Stanford merely teaches the pivotal support brace 24, 30 pivotally connected between the angled member 100 and the cross brace member 36 that fails to teach the concept of folding the supporting portion of the supporting arm.

(g) Stanford fails to teach “the surrounding rim has an outer sidewall and an inner sidewall to form the receiving track” as claimed in claim 47 in addition to what is claimed in claim 46. Stanford merely teaches the table top 12 is formed of a blow-molded plastic to form the side walls 48.

(h) Stanford does not teach “four **attaching members** are spacedly and transversely extended from the two tabletop supports through the inner sidewalls respectively to rotatably insert into outer ends of the leg frame respectively so as to pivotally connect said leg frames with the top panel” as claimed in claim 48 in addition to what is claimed in claim 46. It is worth to mention that when the leg frame is coupled with the tabletop supports via the attaching members, the top plane is substantially engaged with the tabletop support and the leg frame **without any screw**. In other words, Stanford requires the screws to attach the side rails 42, 44 to the table top 12.

(i) Stanford fails to teaches “four **coupling members** are spacedly and transversely extended from the two tabletop supports through the inner sidewall respectively to rotatably insert into outer ends of the four supporting arms so as to pivotally connect the supporting arms with the top panel” as claimed in claim 48 in addition to what is claimed in claim 46. Likewise, when the supporting arm is coupled

with the tabletop supports via the coupling members, the top plane is substantially engaged with the tabletop support and the supporting arm without any screw.

(j) Stanford does not teach any “**attachment hole and/or coupling hole**” at the tabletop supports to pivotally connect the leg frame and the supporting arm with the tabletop supports through the top panel as claimed in claim 50 in addition to what is claimed in claim 46. It is worth to mention again that when the supporting arm and the leg frame are coupled with the tabletop supports through the attachment holes and coupling holes, the top plane is substantially engaged with the tabletop support and the supporting arm without any screw.

(k) Stanford does not teach any “**guiding slot** formed on the inner sidewall of the surrounding rim to respectively align with the attachment members and the coupling members” as claimed in claims 49 and 51 in addition to what is claimed in claim 46. As it is mentioned above, no hole can be formed at the side wall 42, 44 of the table top 12 by blow-molding technique. The top panel of the instant invention is made by plastic injection technique such that the guiding slots can be pre-formed on the inner wall of the top panel such that the tabletop supports are connected to the leg frames and the supporting arms via said attachment arrangement through the guiding slots of the top panel without physically damaging the top panel by screws.

Accordingly, Stanford discloses the holes 46 at the side rails 42, 44 for receiving the ends of the support pedestal post 80. However, Stanford merely to teach the side rails 42, 44 are received in the receiving track that the end of the support pedestal post 80 is extended to the holes 46 through the inner wall of the receiving track.

(l) Stanford does not teach how to fold the table top 12 in half. The instant invention allows the top panel to be folded in half by having a **folding joint** formed at the tabletop between the supporting portions of the table supporting frame as claimed in claims 52 to 54 in addition to what is claimed in claim 46. Accordingly, the two pairs of L-shaped supporting arms create a space between the supporting portions of the supporting arms for the folding joint positioning therebetween. Therefore, another unexpected result of using the L-shaped supporting arm is to incorporate the folding joint with the tabletop to fold the top panel in half while the supporting arm can still support the top panel when the tabletop is unfolded. Since Stanford teaches the cross

brace member 36 is transversely extended at the middle of the table top 12, the portable folding table of Stanford cannot be folded in half.

(m) Stanford does not teach “a **ring-shaped locker** slidably mounted to the **L-shaped supporting arms** along the retention portion thereof to lock up the supporting arms at the unfolded position” as claimed in claims 55 to 57 in addition to what is claimed in claim 46. Stanford merely teaches a locking collar 108 slides along the elongated pivotal support brace 24, 30.

Whether the claims 46 to 57 as amended of the instant invention are obvious depends on whether the above differences (a) to (m) between the instant invention and Stanford are obvious in view of Virtue, Palmer, Pinch, and/or Witkowiak at the time of the invention was made.

Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and
- (d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, “The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art.” *Libbey-Owens-Ford v. BOC Group*, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

Virtue merely teaches, in page 2, lines 18-21, a pair of outwardly diverging arms 32 rigidly attached to the under side of the table top without any suggestion of how such diverging arm 32 be possibly equipped with the tabletop support. Accordingly, the table top of Virtue is made of **wood** but not plastic such that it is impossible to directly attach the diverging arms 32 to the plastic table top of Stanford, especially the diverging arms

32 being pivotally folded underneath the plastic table top. It is inappropriate for the Examiner to reject an invention based on different materials of the tabletop. It is worth to mention that the plastic made tabletop can enhance the portability of the banquet table. However, the strength of the plastic tabletop is weak such that the tabletop supports and the supporting portions of the supporting arm enhance the strength of the plastic top panel. The applicant respectfully submits the metal made diverging arm cannot be directly mounted to the plastic table top. All cited arts illustrating the plastic table top require an elongated runner mounting at the bottom side of the plastic table top to pivotally connect with the leg frame or folding arm.

Palmer merely teaches a leg member comprises of 2 U-shaped sub-members 1. The applicant respectfully submits the leg member of Palmer is totally different from the L-shaped supporting arm of the instant invention. The leg member taught by Palmer contains a top section 4 directly mounted to the bottom side of the tabletop at a perpendicular position. Likewise, the tabletop of Palmer is made of wood but not plastic, such that the leg member of Palmer cannot directly mounted to the plastic table top of Stanford to pivotally fold thereunder. The applicant respectfully submits that the plastic table top requires a side rail such as Stanford's table or a tabletop support of the instant invention in order to pivotally mount the leg frame or folding arm to the plastic table top. Indeed, the L-shaped supporting arms of the instant invention are used not only to guide the leg frame to fold between the folded position and the unfolded position but also to support the mid-portion of the plastic top panel while Palmer merely teaches the leg frame can be pivotally folded under the wooden table top.

It is only the Examiner's allegation that "it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Stanford in view of Virtue and Palmer" by using the two diverging arms 32 of Virtue and the U-shaped leg frames of Palmer. Both Virtue and Palmer disclose the **wooden** table top but not the plastic table top. As stated above, since one of the essential distinctive subject matter of the instant invention is to provide a plastic top panel with four L-shaped supporting arms with four transversely upper portions, neither Virtue nor Palmer discloses any transverse portion extended at the mid portion of the plastic top panel to support the plastic top panel without physically attaching thereto. Stanford merely teach the pivotal support braces 24, 30 pivotally connecting the cross brace member 36 without any

mention of who the pivotal support brace pivotally connecting to the side rail 42, 44. The tables of Virtue and Palmer illustrate the diverging arm 32 and the U-shaped leg frames are directly mounted to the wooden table top. In other words, there is no suggestion of any combination of cited arts for the obviousness of the subject matter sought to be patent as a whole in the instant invention.

In addition, the leg frame of Palmer can be detached from the table top. However, the L-shaped supporting arms of the instant invention do not have any physical connection to the top panel. The applicant respectfully submits that the upper supporting portion of the L-shaped supporting arm transversely and pivotally mounting at the respective tabletop support in a detachably attaching manner. As it is mentioned above, the supporting arm cannot be directly connected to the plastic top panel.

Pinch merely teaches a table top with a bottom sheet of plastic formed to include a longitudinal support rail 152 protruded from the table top and a U-shaped cross sectional reinforcing cover 156 covers the support rail 152. It is apparent that Pinch fails to teach the table top has the receiving track formed between an outer wall and an inner wall that the tabletop support is received along the receiving track. In other words, the U-shaped reinforcing cover 156 of Pinch is **NOT** received between the support rail 152 and the outer perimetral rim 176.

In addition, Pinch merely teaches a leg-receiving notch 160 formed at the support rail 152. The applicant respectfully submits that the guiding slot of the instant invention is formed at the inner wall to respectively align with the attachment members and the coupling members. Pinch is silent about such concept.

Pinch merely teaches a pivot member 64 provided at the support rail 152 for allowing the first and second table sections folded at a collapsed position. The table of Pinch can be folded in half because two channel members 56 are spacedly and longitudinally extended under the table top. In other words, even though the pivot member 64 is incorporated with the plastic table top of Stanford, the table top thereof cannot be folded in half. The applicant respectfully submits that the two pairs of L-shaped supporting arms of the instant invention create a space between the supporting portions of the supporting arms for the folding joint positioning therebetween.

Witkowiak merely teaches a pivot pin 16 projected from the side rail 11 to engage with a tubular axle member 15 without any suggestion of how the pivot pin pivotally connecting to the supporting arm. In addition, the table top of Witkowiak is made of wood but not plastic such that the pivot pin 16 can be directly mounted to the wooden table top.

“To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness...” *In re Gorman*, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

Accordingly, the applicant believes that neither Stanford, Virtue, Palmer, Pinch, nor Witkowiak, separately or in combination, suggest or make any mention whatsoever of the difference subject features (a) to (m) as claimed in the amended claims 46 to 57 of the instant invention.

Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

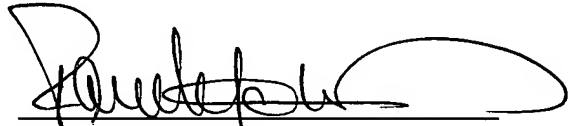
The Cited but Non-Applied References

The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 46-57 at an early date is solicited.

Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

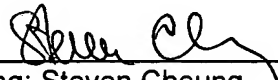


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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 03/24/2006

Signature: 
Person Signing: Steven Cheung

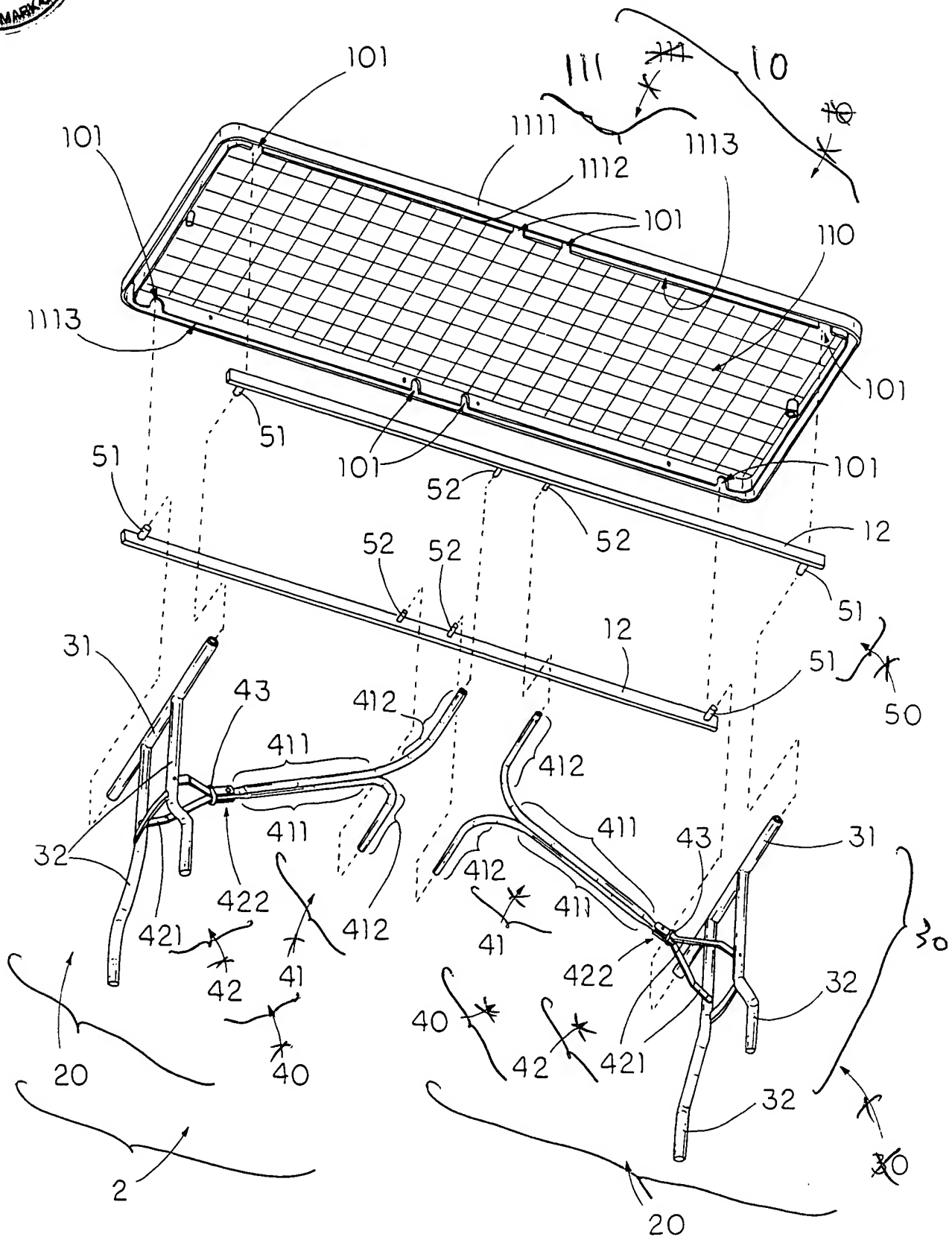


FIG. 1

Proposed Drawing Correction

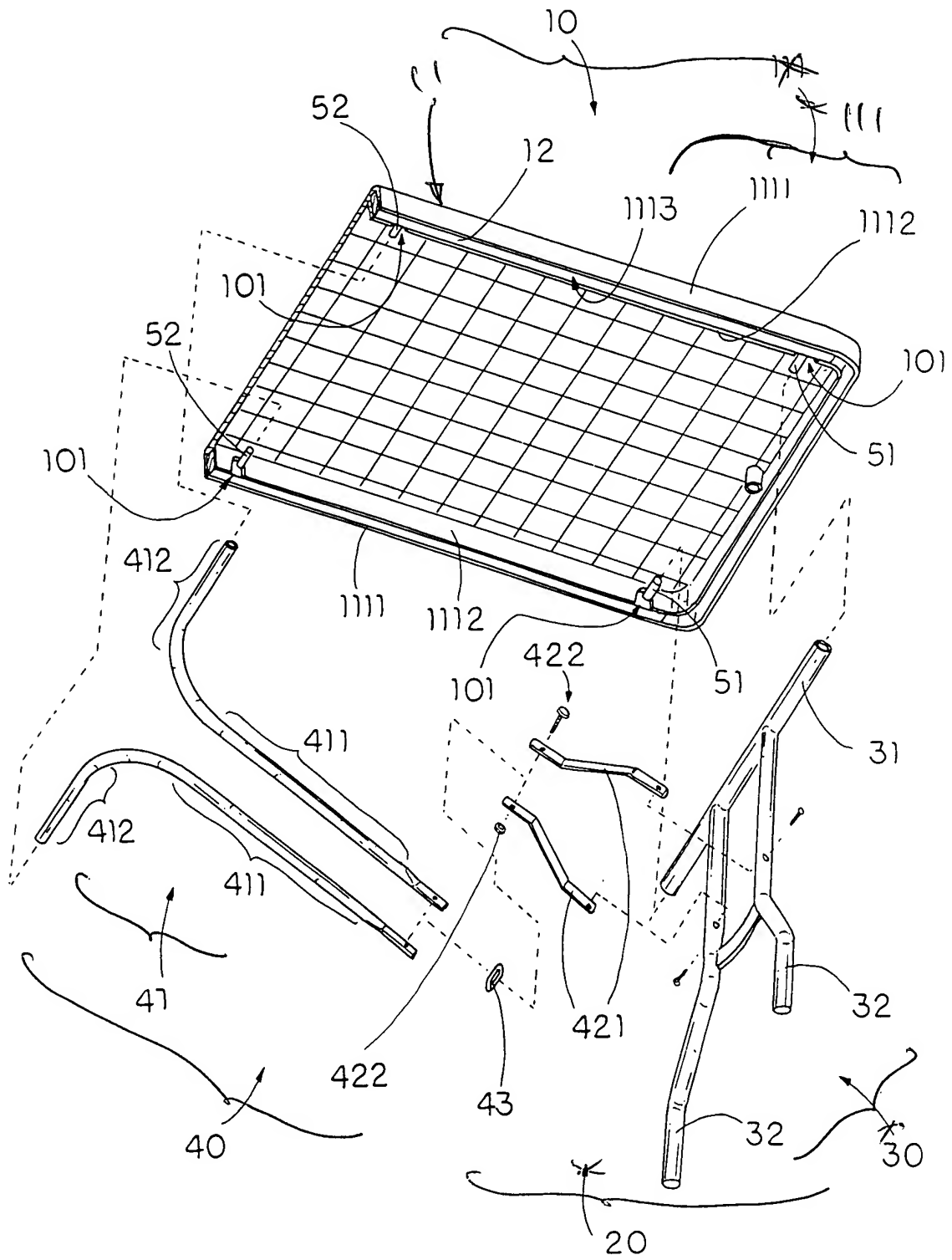


FIG.2

Proposed Drawing Correction

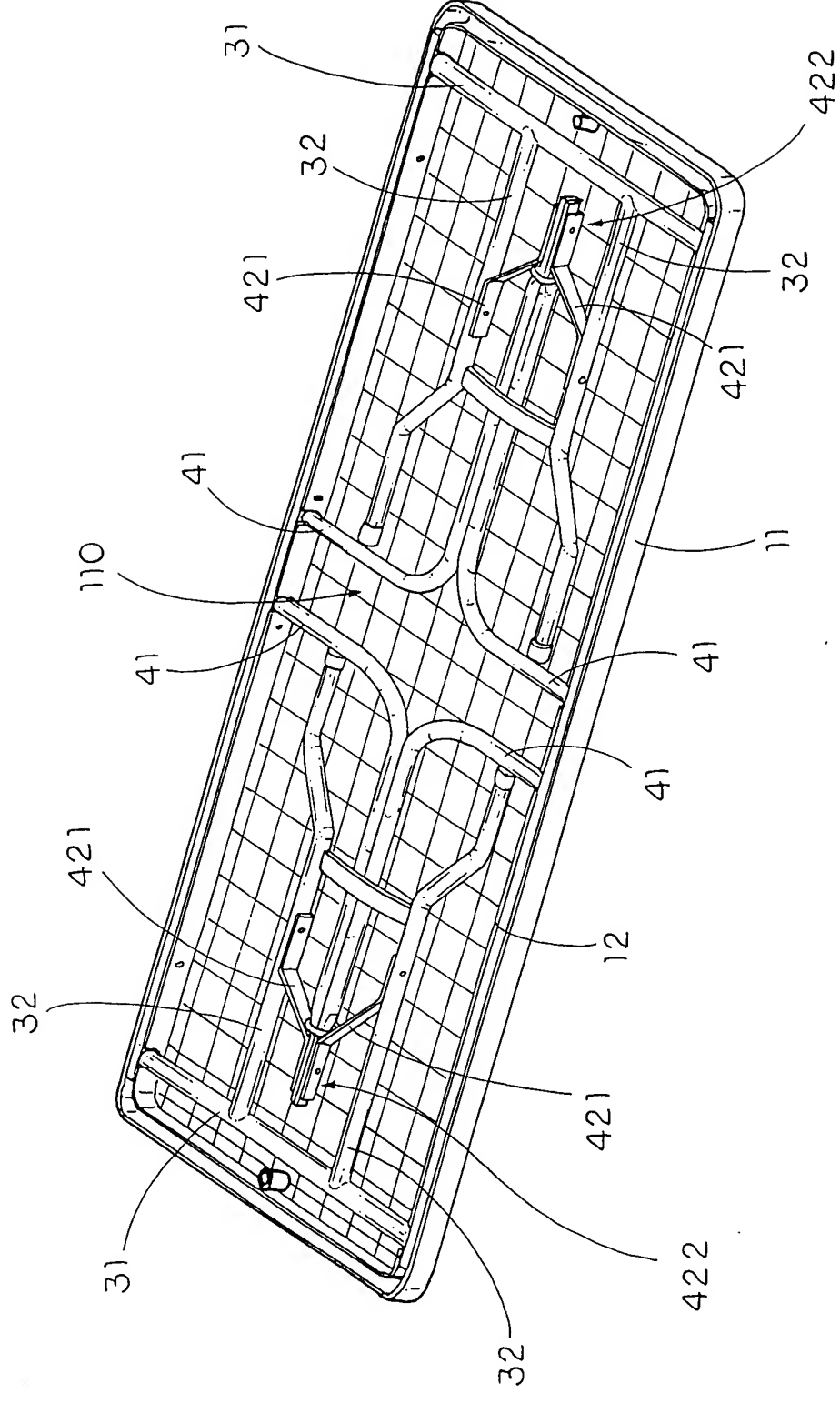


FIG. 3

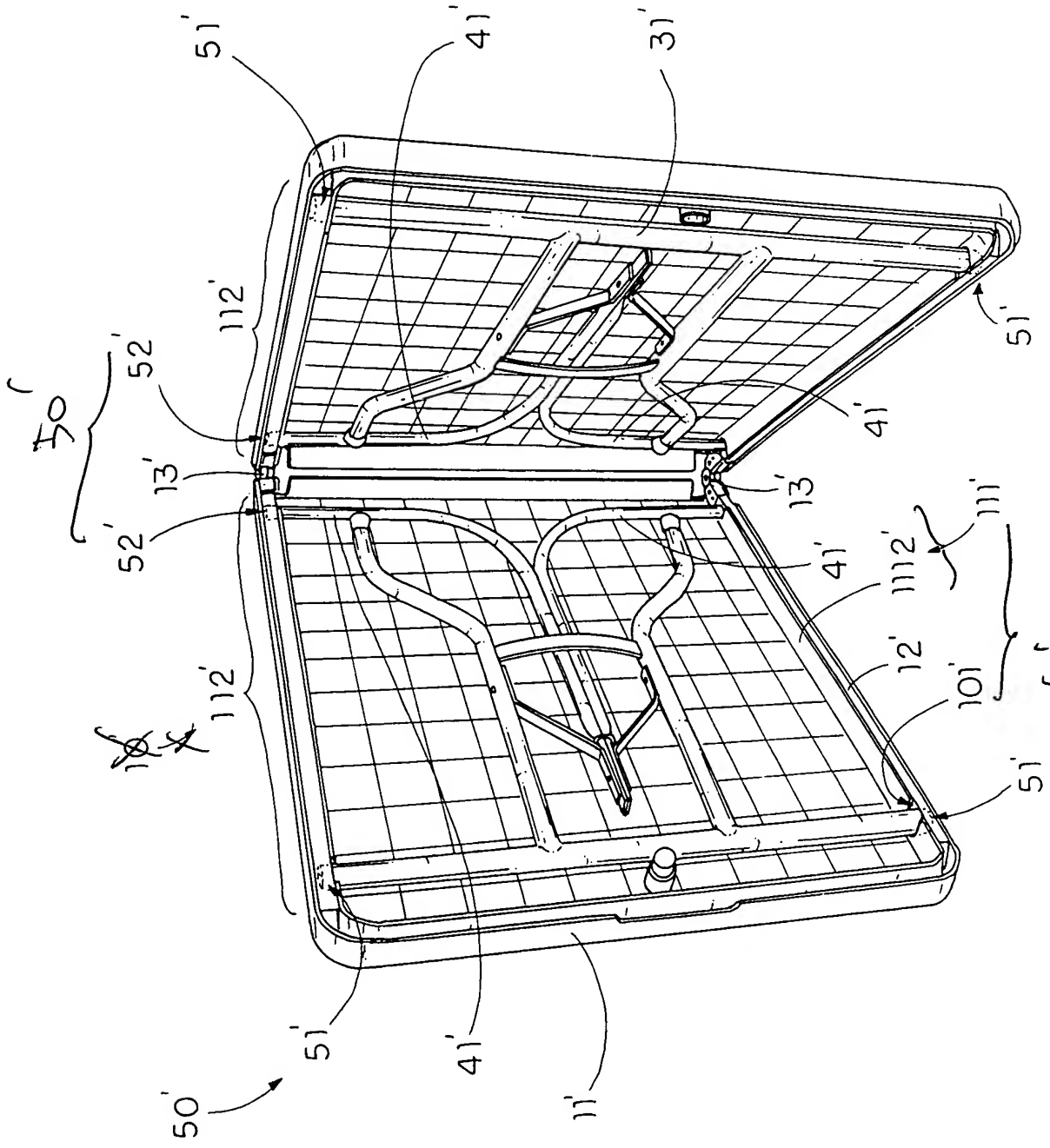


FIG. 4

Proposed Drawing Correction